

Attorney Docket No. HORA.P0101US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant:	Horace W. Hale et al.	Serial No:	10/651,871
Filed:	August 29, 2003	Examiner:	David Comstock
Title:	FACET IMPLANT	Art Unit:	3733

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 18, 2009, of the Primary Examiner finally rejecting claims 1-20, 41-61 and 63.

Applicant is:

a small entity other than a small entity
\$255.00 Fee \$510.00 Fee

Fee Payment:

Attached is a check covering the aforesaid fee
 Credit card payment covering the fee
 Not required (fee paid in prior appeal in this application)
 Charge fee to Deposit Account No. 18-0988 under Attorney Docket No.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA.P0101US.

Respectfully submitted,

/Mark C. Johnson/
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